

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, MAY 17, 2010**

A Regular Meeting of the Deltona City Commission was held on Monday, May 17, 2010 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 6:35 p.m. by Mayor Mulder.

2. ROLL CALL:

Mayor	Dennis Mulder	Present
Vice Mayor	Michele McFall-Conte	Absent (Excused)
Commissioner	Michael Carmolingo	Present
Commissioner	Zenaida Denizac	Present
Commissioner	Janet Deyette	Present
Commissioner	Paul Treusch	Present
Commissioner	Herb Zischkau	Present
City Manager	Faith G. Miller	Present
City Attorney	Gary J. Cooney	Present
City Clerk	Joyce Kent	Present

Also present: Human Resources Director Tom Acquaro; Planning and Development Services Director Chris Bowley; Building & Zoning Services Director Cy Butts; Finance Director Robert Clinger; Deputy City Manager Dave Denny; Parks & Recreation Director Steve Moore; and Fire Chief Robert Staples.

3. SILENT INVOCATION AND PLEDGE TO THE FLAG:

Mayor Mulder led the audience in the silent invocation and the Pledge of Allegiance to the Flag.

David Garcia and Corinne Gonzalez with Deltona High School Chorus sang the National Anthem.

4. APPROVAL OF MINUTES & AGENDA:

1. Regular City Commission Meeting – May 3, 2010.

Motion by Commissioner Denizac, seconded by Commissioner Carmolingo to adopt the minutes of the Regular City Commission Meeting of May 3, 2010 as presented.

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, For; and Mayor Mulder, For.

B. Additions or Deletions to Agenda:

Mayor Mulder asked if there were any additions or deletions to the agenda and Ms. Miller replied there is one under Presentations, the Deputy of the Year Award.

5. PRESENTATIONS/AWARDS/REPORTS:

A. Certificate of Recognition - Youth Advisory Sub-Committee.

Mayor Mulder, Steve Moore and Marlene Brown presented Certificates of Recognition to the Youth Advisory Sub-Committee of the Parks and Recreation Advisory Board for receiving the United Way of Volusia-Flagler Counties "2009 Outstanding Volunteer of the Year Award, Youth Group Category" and the "Presidential Volunteer Service Award" based on the total number of 485.25 hours worked.

Mayor Mulder and Steve Moore presented Marlene Brown with a Certificate of Recognition for being the secretary/staff liaison for the Youth Advisory Sub-Committee and being responsible for the administrative functions/duties of the Sub-Committee which includes preparing the agendas, minutes, public notifications and flyers for each meeting and event.

B. Certificate of Recognition - Senior Advisory Sub-Committee.

Mayor Mulder and Steve Moore presented a Certificate of Recognition to Rose Miller of the Senior Advisory Sub-Committee of the Parks and Recreation Advisory Board for being nominated for the United Way of Volusia-Flagler Counties "2009 Outstanding Volunteer of the Year Award, Senior Group Category" for the 40 hours she timelessly worked at City of Deltona special events.

C. Certificate of Recognition – Deltona High School Wolves Baseball Team.

Mayor Mulder presented the Certificates of Recognition to the Deltona High School Wolves Baseball Team Members and Coaches for winning the District 6A-2 Championship Title.

D. Presentation – Deltona Fire Department EMT of the Year.

Mayor Mulder and Fire Chief Staples presented the Deltona Fire Department EMT of the Year Award to Tanya Paulk for outstanding service to the department and the community.

E. Proclamation – Police Week - May 17 - 23, 2010.

Mayor Mulder read the proclamation declaring the week of May 17 – 23, 2010 as Police Week and presented it to Sheriff Ben Johnson of the Volusia County Sheriff's Office.

F. Presentation - Deputy of the Year Award.

Mayor Mulder, Sheriff Ben Johnson and Captain Brannon presented the Deputy of the Year Award to Deputy Vincenzo Vento.

6. PUBLIC FORUM – Citizen comments for items not on the agenda.

- 1 a) David McKnight, 2910 Newmark Dr., spoke regarding the success of this year's Deltona
2 Springfest and he thanked the Parks and Recreation Department for their help with the event.
3
4 b) Ellen Juliano, 1042 Rosetta Dr., spoke regarding the change in the view on Doyle Road, residential
5 homes needing improvement and better ways to spend tax dollars.
6
7 c) Charles Vance, 2270 Asbury Rd., spoke regarding truths and half truths being reported in the
8 media, the soccer club concession stand not being up to code and he urged parents to contact their
9 Commissioner to bring fun recreational soccer back to Deltona.
10
11 d) Jennifer Chasteen, 662 Mosquero Ave., spoke regarding the City's and the youth's representation
12 during the Relay For Life event, effectively managing the City's budget and candidate's conduct
13 during the election season.
14
15 e) Randy Hollensbe, 3305 Red Fox Dr., spoke regarding a meeting the soccer club had with Mayor
16 Mulder.
17
18 f) Keith Caven, 1268 Homeway Lane, thanked Mayor Mulder who came and spoke to the parents of
19 the youth soccer players and a tentative meeting which is set for Friday between the soccer club
20 and Mayor Mulder.
21

22 **7. CONSENT AGENDA:**

23
24 Commissioner Zischkau asked to pull Item 7-A for discussion.
25

26 **A. Request for Approval of Budget Transfer to fund current and anticipated shortfall in**
27 **General Fund - Law Enforcement Services.**
28

29 Commissioner Zischkau asked where the money was coming from to pay for the shortfall in the
30 General Fund and Ms. Miller replied it is a line item in General Government, account number 190 in
31 the budget document, that is a small contingency fund for unanticipated expenses like this one.
32

33 **Motion by Commissioner Carmolingo, seconded by Commissioner Deyette to approve the**
34 **General Fund budget fund transfer in the amount of \$15,000 from the General Fund**
35 **Contingency Budget to the General Fund Law Enforcement Division, representing no change**
36 **in total General Fund appropriations.**
37

38 **Motion carried with members voting as follows: Commissioner Carmolingo, For;**
39 **Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For;**
40 **Commissioner Zischkau, For; and Mayor Mulder, For.**
41

42 **8. ORDINANCES AND PUBLIC HEARINGS:**
43

44 **A. Ordinance No. 03-2010, creating new Section 68-30, Water Use Restrictions, of the**
45 **Deltona Code of Ordinances pertaining to water usage and adopting the St. Johns River**
46 **Water Management District's Water Conservation Rule for Landscape Irrigation, for first**
47 **reading.**
48

1 The public hearing was opened.

2
3 David Santiago, 2631 Eustace Ave., spoke regarding his concern that if the St. Johns River Water
4 Management District (SJRWMD) were to make any changes to their rules they would
5 automatically apply to the citizens of Deltona.

6
7 The public hearing was closed.

8
9 **Motion by Commissioner Zischkau to adopt Ordinance No. 03-2010 subject to it being**
10 **rewritten before it comes back to the City Commission to remove the open ended authority**
11 **for an unelected St. Johns River Water Management District to change the City of Deltona's**
12 **Ordinances.**

13
14 **Motion failed for lack of a second.**

15
16 Mr. Denny stated this year the St. Johns River Water Management District (SJRWMD) came out
17 with a policy decision that in order for any municipality or local government to receive any kind
18 of funding or partial funding for any programs it must adopt language in its conservation irrigation
19 Ordinance that would be reviewed and approved by the SJRWMD and if not the municipality
20 would not be eligible for any funding. If any changes are made to the Ordinance it would need to
21 go back to the District for approval if the City wants to be eligible for funding on any of its
22 stormwater projects that the District typically provides funding for.

23
24 Commissioner Zischkau asked how much funding the SJRWMD provides to the City each year
25 and Mr. Denny replied it varies, on the alternative water supply that the City is working toward the
26 SJRWMD has verbally committed to 40% of the construction costs of building whatever the
27 alternative solution is that the City comes up with which could be as much as \$150 million.

28
29 Mr. Cooney stated the purpose of this Ordinance is to be the citation issuer for the SJRWMD so
30 they do not send out their own staff to look for things like people watering their lawns on the
31 wrong day. He stated he explained to the District that there is no reason for the City to adopt their
32 watering schedule because it changes from time to time and perhaps it would be better to say "to
33 the extent that a watering schedule is adopted the City will enforce by issuance of citations the
34 watering schedule".

35
36 **Motion by Commissioner Deyette, seconded by Commissioner Carmolingo to adopt**
37 **Ordinance No. 03-2010, by amending the Deltona Code of Ordinances to add Section 68-30,**
38 **"Water Use Restrictions" for first reading, and to schedule second and final reading for June**
39 **7, 2010.**

40
41 Mr. Cooney read the title of Ordinance No. 03-2010.

42
43 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, CREATING A NEW**
44 **SECTION 68-30 OF THE CODE OF ORDINANCES, CITY OF DELTONA, FLORIDA**
45 **PERTAINING TO WATER USAGE; ADOPTING THE ST. JOHNS RIVER WATER**
46 **MANAGEMENT DISTRICT'S WATER CONSERVATION RULE FOR LANDSCAPING**

**IRRIGATION; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES;
PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

Motion carried with members voting as follows:

Commissioner Carmolingo	For
Commissioner Denizac	For
Commissioner Deyette	For
Commissioner Treusch	For
Commissioner Zischkau	Against
Mayor Mulder	For

Ordinance No. 03-2010 was adopted at first reading at 7:37 p.m.

B. Transmittal Hearing – Ordinance No. 05-2010, Pertaining to the Comprehensive Plan, Providing for Evaluation, Appraisal and Recommendation Amendment.

The public hearing was opened and closed as there were no public comments.

Motion by Commissioner Treusch, seconded by Commissioner Deyette to approve Ordinance No. 05-2010 at first reading and to authorize transmittal of the EAR-based Comprehensive Plan Amendment package to the Florida Department of Community Affairs and the Volusia Growth Management Commission.

Mr. Paradise stated there is a citizen's courtesy information list available for anyone interested in keeping informed regarding this amendment that will be sent to the Department of Community Affairs (DCA) who will then notify the citizen of actions taken by DCA.

Commissioner Denizac stated she continues to have issues with the fact that this plan will lower the level of service or the trip allocation on S.R. 415 which will not solve the problem and she believes will make things worse.

Mr. Paradise stated the intent of the State is to eventually improve that segment of S.R. 415 which is cited in the proposed policy. He stated he considers this to be a stop gap measure to free up some capacity and it is not the intent to put the road at a failing status but, to allow more traffic on the road and still maintain some level of mobility yet to facilitate growth and development opportunities in the east side of the City including realization of the Osteen Local Plan Development Program.

Mr. Cooney read the title of Ordinance No. 05-2010.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, PERTAINING TO A COMPREHENSIVE PLAN; PROVIDING FOR EVALUATION, APPRAISAL AND RECOMMENDATION AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Motion carried with members voting as follows:

Commissioner Carmolingo	For
Commissioner Denizac	For
Commissioner Deyette	For
Commissioner Treusch	For
Commissioner Zischkau	Against
Mayor Mulder	For

Ordinance No. 05-2010 was adopted at first reading at 7:45 p.m.

9. OLD BUSINESS:

A. Request for approval of reallocation of funding within the Neighborhood Stabilization Program (NSP) Budget.

Motion by Commissioner Deyette, seconded by Commissioner Treusch to approve the Neighborhood Stabilization Program (NSP) budget amendment that allows for a reallocation of funding within the Substantial Amendment to the City's Five-Year (2008-2012) Consolidated Plan.

Commissioner Zischkau asked where the funds were coming from and Mr. Bowley replied no money is changing hands; this is a reallocation of how the funds could be spent. He stated the money is being reallocated as follows: Financial Mechanisms for \$1.5 million; Land Banking for \$500,000; Demolition for \$500,000; and Redevelopment for \$1.7 million.

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, For; and Mayor Mulder, For.

10. NEW BUSINESS:

A. Consideration of appointment or re-appointment of four (4) members to the City's Economic Development Advisory Board.

Ms. Miller stated Vice Mayor McFall-Conte has asked to defer her appointment to the second meeting in June.

Motion by Commissioner Carmolingo, seconded by Commissioner Treusch to confirm the appointment of Nick Conte, Jr. (Mayor Mulder's appointment), Karl Brown (Commissioner Carmolingo's appointment) and Joseph Cerrato (Commissioner Zischkau's appointment) to the Economic Development Advisory Board for terms to expire May 21, 2013 and to defer Vice Mayor McFall-Conte's appointment to the Regular City Commission Meeting of June 21, 2010.

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, For; and Mayor Mulder, For.

B. Consideration of appointment of one (1) member to the City's Beautification Advisory Board (Commissioner Deyette's appointment).

Motion by Commissioner Deyette, seconded by Commissioner Treusch to confirm the appointment of Harold Wooten (Commissioner Deyette's appointment) to the Beautification Advisory Board for the remainder of a term to expire on November 30, 2010.

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, For; and Mayor Mulder, For.

Mayor Mulder called a five (5) minute recess at 7:55 p.m. and reconvened at 8:00 p.m.

C. Discussion Concerning Dispute with Great American Leasing.

Mr. Cooney stated there were discussions over time with Great American Leasing concerning a dispute the City was having over some multiuse machines which were taken out of service as well as some printers that are in service. He stated he provided a memo under separate cover to the Commission and based on that memo it is his recommendation to resolve the dispute as outlined in the memo by the City keeping the equipment valued at \$115,000 upon the payment to Great American Leasing in the amount of \$150,000 with a net to the City of \$35,000 to settle the dispute.

Motion by Commissioner Zischkau, seconded by Commissioner Carmolingo to authorize the City Attorney to accept the offer to enter into an agreement on the terms that Mr. Cooney has described to the Commission in his memo.

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, For; and Mayor Mulder, For.

D. Discussion and direction re: Deltona 2010 Incentive Program (Mayor Mulder).

Mayor Mulder stated there had been one recommended change to the program which was to open the incentive program up to all property owners, renters would be removed from eligibility and some application dates had changed.

Mayor Mulder allowed comments from the public.

Susan Armon, 3140 Cabot Ct., spoke against the incentive program.

Larry DeMatteo, 2501 Barry Dr., spoke against the incentive program.

Robert Erdman, 2048 Golden Arm Rd., spoke against the incentive program.

Elroy Richards, 1341 Start Ct., spoke against the incentive program.

1 Dave Soltys, 2075 Newmark Dr., spoke in favor of some type of incentive program.

2
3 Robert Donaldson, 3338 Sorrel Ct., spoke against the incentive program.

4
5 John Sabia, 1333 Ferendina Dr., spoke against the incentive program.

6
7 Mike Richards, 2645 Haulover Blvd., spoke in favor of some type of incentive program.

8
9 Heidi Herzberg, 556 Nardello Dr., spoke in favor of some type of incentive program.

10
11 Mayor Mulder gave a brief presentation and explanation of his proposal which included the City's
12 operating expenditures, public safety expenditures, non-public safety expenditures all between the
13 years 2004 and 2010 and the Fund Balance from 2005 to 2009.

14
15 Mayor Mulder stated the policy of the Commission has been to operate by holding levels of
16 service and to operate with as little cash as possible because the Commission did not want
17 wasteful spending. He stated the dilemma for him and the result is this proposal which he has
18 been working on since 2008. He stated \$250 does not seem like a lot of money but, it represents
19 more than what the average homeowner pays to the City of Deltona in an entire year in taxes. He
20 stated the Commission has successfully curbed spending so that the City is running extremely
21 efficient. He stated this would be for anyone who owns a property whether it is a business, a
22 house or vacant land. He stated he came up with the number which he thought would help and he
23 does not think there will be 13,400 applicants. He stated if the Commission wants to discuss
24 taking the number of parcels within the City and divide it by the \$3.5 million among each property
25 owner which would give each resident the exact same amount of a little over \$100 but, he still
26 thinks there should be an application process. He stated he never would have mentioned the
27 proposal if he thought it would affect the levels of service and public safety costs will be up next
28 year because of the addition of two (2) additional deputies. He stated the budget the City Manager
29 is working on will include a 2% or more increase in the form of a bonus or cost of living increase
30 for all general employees because they had not received a raise in two (2) years. He stated this
31 Commission will have the opportunity to adopt a budget that will beat roll back or do better than
32 roll back which will be a tax decrease and provide the general employees with a raise.

33
34 Commissioner Denizac stated she is for tax relief which is fair, equitable and legal. She stated in
35 her opinion the proposal is flawed and potentially illegal. She stated she is concerned about
36 having to prove the funds are expended for a public purpose, that the City might be giving tax
37 money to people who have not paid taxes, that the program is time sensitive and that it is based on
38 a first come first serve basis. She stated in her opinion it is impossible to make the proposal work,
39 establishing the public purpose and tying the funds to it.

40
41 **Motion by Commissioner Denizac, seconded by Commissioner Zischkau to reduce the**
42 **millage rate to reflect the reduction of \$3.5 million dollars.**

43
44 Mr. Clinger stated to lower the millage to give back to the citizens \$3.5 million dollars becomes a
45 recurring revenue item. He stated the City will lose \$3.5 million every year and would need to
46 find \$3.5 million in budget cuts otherwise the City will be living off reserves.

1 Commissioner Denizac suggested highlighting any excess money on the monthly financial
2 statements the Commission receives because she feels the City Commission is receiving mixed
3 messages. Mr. Clinger stated last year's CAFR finished at \$2.4 million under budget on spending
4 and the budget was lowered by \$2.8 million and that savings was incorporated into the budget
5 which the City is in right now.

6
7 Ms. Miller stated a budget is an estimate of what staff thinks its expenditures and revenue are
8 going to be. It is staff's very best educated guess which is why Mr. Clinger does a forecast, he
9 trends and watches the revenue that comes in every month and he projects what he thinks is going
10 to happen the rest of the year. She stated the \$1 million in expenditures is about \$800,000 in
11 payroll of open positions that have not been filled because efficiencies have been found of how to
12 continue to do the work without filling the positions and \$200,000 in expenditures where staff
13 went out to bid and the bids came in lower than anticipated and other savings in operating
14 expenses.

15
16 Commissioner Carmolingo stated if the proposal passes he would not fill out an application for the
17 tax relief.

18
19 Commissioner Deyette stated the citizens she spoke to suggested that the City keep the \$3.5
20 million for emergencies, to build firehouses, to increase public safety, additional salaries or
21 increases in employee salaries and all of the citizens said \$250 would not prevent foreclosures.
22 She stated in the next budget year she would like to see more police deputies on the streets and if
23 there is a need for a fire truck that the City be in the position to purchase one. She stated there
24 need to be funds in the Fund Balance to match grants and she would like to see the City keep the
25 current millage rate and keep surplus money for any shortfall.

26
27 Commissioner Treusch stated \$250 would make a lot of difference to a lot of people. He stated it
28 would pay a water bill for a year or so but, the problem is where it addresses renters because the
29 money should be available strictly for property owners. He stated he was interested in doing a
30 more detailed workshop on the subject.

31
32 Commissioner Denizac withdrew her motion and she stated she is more inclined to agree with
33 Commissioner Deyette's suggestion.

34
35 Ms. Miller reminded the City Commission that if it were to agree with Commissioner Deyette's
36 suggestion to lower the millage it would be a \$2 million decrease every year going forward.

37
38 Commissioner Zischkau stated if the payment is only a onetime payment then it is not an incentive
39 for anything and there is only an incentive for people to stay in their homes if the City cuts taxes.
40 He stated the reason the \$3.5 million is in the General Fund is because the citizens are over taxed
41 and not because the City is so efficient in cutting spending. He stated this is a historical
42 opportunity to change the direction of government. He stated there has been a trend in increasing
43 budgets year after year and the fiscal year 2007/2008 was an abnormal budget year. He stated
44 taxes are cut by reducing the millage rate to reflect the reduction of \$3.5 million dollars. He stated
45 the way to create an incentive is to make it year after year.

46
47 Mayor Mulder stated he is open for discussion on anything productive regarding both taxes and an

incentive or a program. He stated the millage rate is almost an obsolete idea because it assumes that housing values will increase. He stated it was suggested by staff to open City Hall Saturday hours for those people that work and want to apply and first come first serve was suggested but, he stated he is open to any ideas like dividing the incentive money amongst every parcel within the City. He stated it was suggested to spend the money on economic development which was done in the past but; the City did not reap any results. He stated Ms. Miller thought it would be a good idea and he does not disagree, that the general employees deserve a raise one way or another which was figured into his program. He stated nobody on the Commission had put together a proposal and he stated he is interested in seeing any proposal the Commission puts together. He encouraged anyone on the Commission to come forward with a proposal that makes sense and he suggested that Commissioner Denizac and Commissioner Zischkau meet with the Finance Department to put a proposal together. He agreed that the Commission should have a workshop to put together a program as suggested by Commissioner Treusch.

Commissioner Deyette stated she wants to find a way to protect the City regarding public safety, work on economic development and make sure employee salaries are equitable. She stated she wanted to talk with Mayor Strickland who has a different method of incentives for the employees in his City's Planning and Development Department where their salaries, increases or bonuses are based on them being able to bring economic development to their City.

11. CITY COMMISSION COMMENTS:

- a) Commissioner Zischkau stated that it had been almost six (6) months since the simultaneous electronic voting system failed and he wondered if the City Manager was ever going to have it repaired. Mayor Mulder replied it is working and Ms. Miller replied to her understanding it is working. Commissioner Zischkau recommended to the Commission that the system be used right away. Mayor Mulder stated it is very difficult for him to use, it is harder for him to use but, if the Commission as a whole wanted him to use it he would.

Motion by Commissioner Zischkau that the City Commission use the simultaneous electronic voting system because it is a more fair way of voting so that people do not change the vote based upon what is happening in front of them.

Motion failed for lack of a second.

- b) Commissioner Zischkau stated the City could have saved five (5) minutes of his questioning on the budget item where sloppy drafting of the agenda memo called it a "budget matter" rather than "a reallocation of a program matter". He asked the City Manager to do a little more proof reading of the agenda before misleading the Commission with very important loaded words like "Budget" with a big "B".
- c) Commissioner Zischkau stated he did not want the City Manager to waste another \$10,000 accusing him of interfering with her employees and that Mr. Clinger's interrupting Commissioner Denizac when the Commissioner was speaking is unacceptable. He stated Mr. Clinger also said at one point, which he hoped he heard him wrong, that the City had "not cut a deputy if his memory served" and of course two (2) years ago this Commission cut eight (8) deputies. He stated both of these mistakes, rudeness and misleading the Commission about how many deputies

1 were cut would be firing offenses in a properly run City and so he hoped Ms. Miller would
2 manage her employees so it is a properly run City.

- 3
- 4 d) Commissioner Deyette stated there will be a Metropolitan Planning Organization (MPO) meeting
5 next Tuesday at 8:00 a.m. and there is going to be a vote asked for regarding the presentation on
6 the results of the Long Range Transportation Workshop. She stated what the members and staff
7 learned was that there is going to be a railroad and buses but, there is no operating money. She
8 stated she was hoping everyone received the email form MPO asking everyone to participate in
9 the long range transportation plan survey because they needed feedback on what people would
10 like to see happen with things like the railroad services, highway services and road services. She
11 stated discussions covered the issue of transit and whether or not transit services should be
12 included in the 2035 long range transportation plan and how to pay for it. She stated at the
13 workshop nobody wanted to try to get any more out of the gas tax nickel or add to the property
14 taxes so what was left was a quarter or a half a percent addition to the sales tax which the MPO
15 members will be asked to vote on what each City would like to see used to work toward being
16 able to operate things like commuter rail and Votran bus services. She stated the sales tax was
17 recommended because 30% of it would be assisted by tourism.

18

19 Mayor Mulder asked if any of the Commission members would be in favor of increasing the sales
20 tax and none of the Commission were.

- 21
- 22 e) Commissioner Deyette stated the City's firefighters are helping with the Nashville, Tennessee
23 flooding and are looking for donations of bedding, clothing, nails and other items which are being
24 collected at the Fire Station on Providence Blvd. until Wednesday, May 19th.

- 25
- 26 f) Commissioner Denizac stated she is very disappointed that staff dropped the ball regarding the
27 additional homestead exemption of \$25,000 for people 65 years of age or older. She stated the
28 prior City Attorney, Skip Fowler, told the Commission that something had to be done about
29 following through with the Ordinance that was approved on August 17, 2009 which provided for
30 the additional homestead exemption that had fall through the cracks. She stated the bottom line is
31 that residents who are 65 years of age or older are not going to get this benefit and it is time for
32 the Commission to hold staff accountable. She stated everyone received the information, there is
33 documentation that dates all the way back to February, 2010, there was correspondence as
34 recently as May, 2010 but, it was not until this past week that the Commission received the
35 information that the residents would not be getting the additional exemption. She stated that the
36 Ordinance the Commission passed will not take effect until the tax roll of 2010 and she is very
37 disappointed.

- 38
- 39 g) Commissioner Denizac stated she knows that staff has been working on the public market but,
40 she cannot stress highly enough that if the public market were to pass it needed to be approved
41 for the disabled so that the people who are disabled can actually enjoy it and have total access.
42 She stated that if the Commission were to move the public market it needed to be ADA
43 accessible not the limited ADA and that anyone who is in a wheelchair or anybody that cannot
44 walk should be able to actually access the public market.

- 45
- 46 h) Commissioner Denizac strongly suggested that Mayor Mulder use the simultaneous electronic
47 voting system and she stated she believed that the system had never been broken. She stated it is

1 just her opinion and that she was not accusing him of anything but, that it does give an unfair
2 advantage to some of the members of the Commission.

3
4 i) Commissioner Denizac stated in reading some of the exchanges in emails coming from the City
5 Manager, she urged the City Manager to please act in the most professional way possible and to
6 not interfere with the City Attorney. She stated the same type of thing happened with Mr. Fowler
7 and she felt that in a way it is happening again with the new City Attorney. She stated everyone
8 needed to be team players and be respectful of each other. She stated she did not appreciate what
9 she had read and it needed to stop.

10
11 j) Commissioner Treusch stated he read somewhere about coordinating with high schools to build a
12 public pool and partnership with one or both of the City's high schools. He stated he was
13 impressed with that thought process and he would like to see action taken to have a City pool but,
14 he is not saying to use the \$3.5 million for it.

15
16 Mayor Mulder asked Commissioner Zischkau if the YMCA pool was open to the public and
17 Commissioner Zischkau replied that if people cannot afford a membership they can get a subsidy
18 and some people could get it free so people are encouraged to apply. Mayor Mulder suggested
19 discussing the idea of a public pool at a workshop.

20
21 k) Mayor Mulder stated he agreed with Commissioner Denizac regarding the accessibility issue of
22 the public market but, that he did not think there was a single park that was 100% accessible. He
23 stated there are things that can and should be done to make the public market accessible.

24
25 l) Mayor Mulder stated if there is an issue between the City Manager and City Attorney or a
26 difficult work environment he hoped that one or both would inform the Commission right away.

27
28 m) Mayor Mulder read part of a memo regarding the additional senior homestead exemption and he
29 stated nothing had happened but, that it was a proposal made by the prior City Attorney Skip
30 Fowler. He stated if the Commission decides to take action on the issue he did not think it had to
31 die and he asked the City Attorney if it was indeed something that could happen.

32
33 Ms. Miller replied Mr. Fowler had a way that he suggested it be done which was right around the
34 time that Mr. Cooney started working for the City. She stated she thought it was still going to be
35 brought back to the Commission after Mr. Cooney had time to review the matter.

36
37 Mr. Cooney stated staff had not given up on it and is still trying to work it out.

38
39 **12. CITY ATTORNEY COMMENTS:**

40
41 Mr. Cooney stated he thinks he and Ms. Miller are fine and he considered himself and Ms. Miller
42 a team that work for the Commission.

43
44 **13. CITY MANAGER COMMENTS:**

45
46 Ms. Miller stated she wanted to clarify that Agenda Item 9-A, Request for approval of reallocation
47 of funding within the Neighborhood Stabilization Program (NSP) Budget NSP, says throughout
48 the agenda memo that it is a "reallocation of funding within the NSP Program". She stated the

1 form is the same one used for a budget amendment but, the item states it is a “reallocation” of
2 funds throughout the agenda memo.

3
4 Ms. Miller stated at the last Commission meeting there was a resident that spoke regarding the
5 weight of his truck. She stated Dale Baker explained to the Commission that the Department of
6 Motor Vehicles (DMV) lists these vehicles at 9,999 pounds but, the resident’s vehicle is over
7 10,000 pounds which is prohibited by the City’s ordinances and she is asking for direction from
8 the Commission whether it wants staff to look at an ordinance change, to enforce what is on the
9 books right now or discuss the item at a workshop.

10
11 Mayor Mulder stated he asked the City Manager to bring this item up because he keeps receiving
12 phone calls from the resident who is having a problem in their neighborhood because of a truck
13 which is over 10,000 pounds and the resident would like an ordinance change to allow the weight
14 of a vehicle to be larger. He stated if the Commission is interested in discussing the item it would
15 be on a workshop agenda and that the only thing he had said to the resident was if the City
16 changes the ordinance from 10,000 to 12,000 pounds then someone will come forward and say the
17 ordinance should be changed to 13,500 pounds.

18
19 Commissioner Zischkau suggested having a workshop because there are other associated
20 questions like the resident who drives a tractor trailer rig that drops their trailer one place and
21 parks their cab at home to catch a few hours of sleep which the City’s code does not allow for. He
22 stated it does not need to be looked at as a permanent change because the Commission might want
23 to relax the Code for a couple of years while in these hard economic times to help residents out
24 with the idea that after two (2) years it sunsets and the code goes back to the stricter standard and
25 Commissioner Treusch agreed.

26
27 **14. ADJOURNMENT:**

28
29 There being no further business, the meeting adjourned at 10:12 p.m.

30
31
32
33
34 **ATTEST:**

Dennis Mulder, MAYOR

35
36
37 _____
38 **Joyce Kent, CITY CLERK**
39